

REGENTS BOARD[681]

Adopted and Filed

Rule making related to purchasing, policies, practice, and procedures

The Board of Regents hereby rescinds Chapter 8, “Purchasing,” and amends Chapter 9, “Policies, Practices and Procedures,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 262.9.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 23A and section 262.9(18).

Purpose and Summary

Item 1 rescinds Chapter 8. The amendments to Chapter 9 implement 2020 Iowa Acts, Senate File 2284, section 5, by removing the reference to “on campus”; amend competition policy with private enterprise to be consistent with current law; rescind the telecommunication policies and procedures not required by the Iowa Code; remove outdated language; and add the procurement policy transferred from Chapter 8.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on June 16, 2021, as **ARC 5698C**.

Two comments were received questioning whether the proposed procurement policy, contained in new rule 681—9.8(262), encompasses procurement of contracts for capital improvements. The purpose of the rule is to establish the Board’s policy for the procurement of goods and services. The bidding of contracts for capital improvements is governed by Iowa Code section 262.34.

In response to this comment, the Board made minor adjustments to provide clarity to the amendments. Additionally, “on campus” was stricken in Item 2. This amendment was noted in the purpose and summary section in the preamble for the Notice of Intended Action but was not included in Item 2 as published.

Adoption of Rule Making

This rule making was adopted by the Board on September 16, 2021.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to rule 681—19.18(17A).

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on November 10, 2021.

The following rule-making actions are adopted:

ITEM 1. Rescind and reserve **681—Chapter 8**.

ITEM 2. Amend subrule 9.4(5) as follows:

9.4(5) Exceptions provided by statute. This prohibition does not apply to the ~~on-campus~~ activities of an institution under the control of the state board of regents as provided in Iowa Code section 23A.2(10) "k"(1) to (10) or any other applicable provision of Iowa law.

ITEM 3. Amend paragraph **9.4(6)"i"** as follows:

i. Sales of books, records, tapes, software, educational equipment and supplies ~~offered primarily to students, faculty, and staff of the institution; sales of, and personal computers and associated hardware pursuant to institutional policy and limited to students, faculty, and staff.~~

ITEM 4. Adopt the following new paragraph **9.4(6)"j"**:

j. Goods and services provided to other state board of regents institutions; affiliates of state board of regents institutions; federal, state, and local government entities; nonprofit organizations; entities established pursuant to Iowa Code chapter 28E; and student organizations.

ITEM 5. Rescind and reserve rule **681—9.5(262)**.

ITEM 6. Rescind and reserve rule **681—9.6(262)**.

ITEM 7. Rescind and reserve rule **681—9.7(262)**.

ITEM 8. Adopt the following new rule 681—9.8(262):

681—9.8(262) Procurement policy for goods and services. The best interests of the state of Iowa and of the regent institutions are served through implementation of a full and free competitive purchasing system for the procurement of goods and services fostered by the use of open specifications, competitive bids or quotations, and awards to the lowest responsible bidder or to the bidder that submits the bid or quotation that provides the best overall value. The name of the successful bidder and all other bidders and the amounts bid shall be supplied to any person upon oral or written request following the execution of the prime contract(s) or agreement(s) related to the procurement.

[Filed 9/16/21, effective 11/10/21]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 10/6/21.